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OFFICIAL INSTRUCTIONS

AS TO

FORMING SPECIAL-TAX DISTRICTS,
HOLDING ELECTIONS,
REGISTRATION AND QUALIFICATIONS OF
VOTERS THEREIN, ETC.

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ISSUED FROM THE

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
RALEIGH.

INSTRUCTIONS.

PETITIONS FOR ELECTIONS—THIRTY DAYS' NOTICE, ETC.

Section 4115 of the School Law gives plain and explicit instructions as to number of petitioners and other requirements, as follows:

Upon a petition of one-fourth of the freeholders within the proposed special school district, *in whose names real estate in such district is listed in the tax lists of the current fiscal year*, endorsed by the county board of education, the board of county commissioners, after thirty days' notice at the courthouse door and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed special school district whether there shall be levied in such district a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public-school fund which may be apportioned to such district by the county board of education in case such special tax is voted.

Blank petitions for elections will be furnished upon application to the county superintendent or the State Superintendent of Public Instruction.

LAYING OFF DISTRICTS.

We find the following words in section 4115 in regard to laying off special-tax districts: "Special school-tax districts may be formed by the county board of education in any county, without regard to township lines."

It is wise to have the metes and bounds of the special-tax district set forth in plain language in the petition, so that no one can say that he was misled or deceived as to what territory is included in the proposed district.

It is not wise to gerrymander the territory simply to win an election. Due regard should be had for adjacent districts, so as not to injure the public schools in these districts. The territory included in the proposed district must, of course, be contiguous.

It is not wise to make a district include a part of a farm and exclude a part. To illustrate: Beginning at corner of A's farm and running with his line, including A's land to B's corner, thence with his line (excluding B's land, if B is not wanted in special-tax district) to C's corner, and so on around the proposed district until beginning point is reached.

It is not wise or equitable to form a shoe-string district without regard to the needs of the school population, so as to get selfish advantage by including largest possible amount of property for the smallest possible number of children.

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It must be remembered that section 4129, Public School Law, says: "That the county board of education shall divide the townships into convenient school districts, as compact in form as practicable," and requires that the convenience and necessities of the children shall be consulted in fixing the boundaries of the district.

REGISTRATION OF VOTERS.

The registrar is appointed by the county commissioners at the time they order the election for a proposed district. There must be a new special registration of the voters residing in the special-tax district.

WHO MAY VOTE.

Article VI, sec. 2, Constitution of North Carolina, gives the qualifications of voters thus: "He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district in which he offers to vote, four months next preceding the election." Any person resides in the district who has been deprived of citizenship on account of crime, he cannot vote until restored to citizenship. If a man is not qualified to vote in State and county elections, he is not qualified to vote in special-tax district elections.

REGISTRATION BOOKS OPEN.

The registrar must keep his books open for twenty days preceding day for issuing registration books. The opening of the registration books, the closing day, and a day set apart for challenges should all be well advertised. These elections are required to be held under the law governing general elections, as far as may be. Registrars can secure copies of the general election laws in their register of deeds.

METHOD OF HOLDING THE ELECTIONS.

Two pollholders are appointed at the time the election is ordered by the county commissioners. The place of holding the election, as well as the day, designated by the commissioners. The pollholders and the registrar hold the election. It is well to have two boxes for the ballots, marked, "For Special Tax" on one, and "Against Special Tax" on the other. Prepare ballots which are printed or written "For Special Tax" and others on which are written or printed "Against Special Tax."

PAYMENT OF POLL TAX.

Section 4320 of the Revisal of 1905 provides that "No person shall be entitled to vote unless he shall have paid his poll tax for the previous year on or before the first day of May of the year in which he offers to vote, as provided in Article V, section 1, of the Constitution."

The "previous year" as used in the Constitution, and adopted in the Revisa means previous fiscal year. (State v. Davis, 109 N. C., 780.) The fiscal year runs from June 1st in one year to May 31st of the year following. Therefore to entitle a person to vote in any election held prior to May 31, 1910, he must have paid his poll tax for the fiscal year ending May 31, 1909, on or before May 1, 1910—in other words, the poll tax assessed against him in 1908. To entitle him to vote in any election held after May 31, 1910, he must have paid his poll tax for the fiscal year ending May 31, 1910, on or before May 1, 1910, or, in other words, his poll tax assessed against him in the year 1910.

RETURNS OF ELECTIONS.

To establish the district and authorize the levying of the tax, a majority of the votes of the qualified voters must be cast "For Special Tax." The Supreme Court of North Carolina having held that only registered voters are qualified voters, this means that a majority of the votes of the registered voters must be cast "For Special Tax."

The law directs that "The registrar and pollholders shall canvass the votes cast and declare the results, and shall duly certify the returns to the county board of commissioners."

Blanks for properly reporting the election returns will be furnished upon application to the county superintendent or State Superintendent of Public Instruction.

ONLY ONE DAY IN YEAR TO LEVY TAX.

It is important to keep in mind that a tax can only be levied on the first Monday in June of each year.

THIRTY DAYS' PUBLIC NOTICE

is required before an election can be held. The regular meetings of the county board of commissioners at which elections can be ordered in time for special tax to be levied this year are April 4th and May 2d.

If an election is ordered later than May 2d the tax levy cannot be made until June, 1911, unless a called meeting of the county board of commissioners is held so as to give thirty days' public notice of election before June 6th, which is the date the special-tax levies for the fiscal year will be made.



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